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OFFICE OF PETITIONS

ENZO DIAGNOSTICS, INC.
C/O ENZO BIOCHEM, INC.
527 MADISON AVENUE 9TH FLOOR
NEW YORK NY 10022

In re Application of
Rabbani et al.
Application No. 09/439,594
Filed: November 12, 1999
Attorney Docket No. ENZ-58(DIV1)

DECISION ON PETITION

This is a decision on the petition filed on March 20, 2002¹, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application. This also responds to the request for status filed March 27, 2003.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action mailed December 20, 2000. This Office action set a shortened statutory period for reply of three (3) months from the mailing date of the action. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 21, 2001. A Notice of Abandonment was mailed on June 26, 2001.

With the instant petition, petitioner filed a response to the non-final Office action in the form of an amendment, and met all other requirements for a grantable petition under 37 C.F.R. § 1.137(b). Petitioner also filed a terminal disclaimer pursuant to 37 C.F.R. 1.20(d). However, as this application was filed after June 8, 1995, no terminal disclaimer is required for revival under 37 C.F.R. § 1.137(b). The terminal disclaimer has not been entered in connection with granting the petition.

Regarding status of the application, the Information Disclosure Statement filed January 22, 2003, and the supplemental amendment filed January 28, 2003 are of record in the application.

The application file is being forwarded to Technology Center 1656 for examination, including consideration of the amendment filed March 20, 2002 (and the supplemental amendment filed January 28, 2003).

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0309.

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Petitions Attorney
Office of Petitions

¹ It appears that there was some delay in matching the petition to the instant file as the first page of the petition filed March 20, 2002, identified the application as 08/439,594. The petition was refiled on March 27, 2003. It then clearly identified application No. 02/439,594.